

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

**RICHARD B. KELLY,**

Plaintiff,

V.

**JACOB NULL,**

Defendant.

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Civil No. **08-322-GPM**

**ORDER**

**PROUD, Magistrate Judge:**

Before the Court is plaintiff's motion to strike the defendants' motion to quash a subpoena plaintiff issued to Michele Baggott, seeking production and inspection of a correctional center video camera used to tape the incident at issue in this case. **(Doc. 114).**

A review of the record reveals that the motion to quash **(Doc. 108)** was granted by order dated July 2, 2009, because plaintiff had been permitted to view the videotape, and he had failed to show good cause for inspecting the camera, although the Court left open the possibility of reconsidering the issue. **(Doc. 111).** Plaintiff now explains that he believes the videotape has been altered because the tape he viewed "jumped from scene to scene." Plaintiff wants a video machine so he can show the Court the tape, and he would even permit prison officials to run the equipment so that he does not break it.

**IT IS HEREBY ORDERED** that the subject motion **(Doc. 114)** is **GRANTED IN PART AND DENIED IN PART**. Plaintiff's motion to quash the defendants' motion to quash plaintiff's subpoena is denied. The Court's July 2, 2009, order quashing plaintiff's subpoena shall stand. Because the defendants and prison officials apparently have custody of the videotape at issue, they shall produce the tape to the Court at any hearing or trial upon written

request by plaintiff; any such notice shall be submitted no later than seven (7) days in advance of the relevant hearing or trial. If the videotape is not viewable on a standard VCR, the defendants shall notify the Court immediately upon receipt of the request for the tape so that arrangements can be made.

**IT IS SO ORDERED.**

**DATED: August 6, 2009**

**s/ Clifford J. Proud**  
**CLIFFORD J. PROUD**  
**U. S. MAGISTRATE JUDGE**